

APPROVED: Meeting No. 21-95

ATTEST: *Paula S. Jewell*

MAYOR AND COUNCIL  
ROCKVILLE, MARYLAND  
Meeting No. 03-95

January 23, 1995

The Mayor and Council of Rockville, Maryland, convened in General Session in the Council Chamber, Rockville City Hall, 111 Maryland Avenue, Rockville, Maryland, on January 23, 1995, at 7:30 p.m.

PRESENT

Mayor Pro Tem Nina A. Weisbroth

Councilmember Robert E. Dorsey

Councilmember Rose G. Krasnow

ABSENT

Mayor James F. Coyle (on travel)

Councilmember James T. Marrinan (on travel)

In attendance: Acting City Manager Rick Kuckkahn, City Clerk Paula Jewell and City Attorney Paul Glasgow.

Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, Councilmember Weisbroth was selected as Mayor Pro Tem to preside over the General Session.

Re: Report by the Mayor and Council

Mayor Pro Tem Weisbroth announced that Bruce Romer had resigned as City Manager effective January 23, 1995 to become the Chief Administrative Officer of Montgomery County. Ms. Weisbroth commented that Mr. Romer had served the City well for six and a half years and she said he would be missed. She noted that with his departure, the Mayor and Council and City were left situated with a superior staff, and it was expected

that the fine level of service that residents had come to depend on would continue. Ms. Weisbroth said the City also looked forward to having one more person at the County level who would be sensitive to City issues.

Councilmember Krasnow added that she understood Mr. Romer's excitement over his new position and why he accepted it, although it was heartbreaking to imagine continuing without him. However, she noted that she was impressed with how smoothly things have been handled by Acting City Manager Kuckkahn, City Clerk Jewell, and the City's department heads and staff in the interim two weeks since they learned of Mr. Romer's impending resignation.

Councilmember Dorsey recalled how easy it was to work with Mr. Romer and said that while he missed him already, he appreciated the management style Mr. Romer brought to City Hall. He encouraged citizens to visit City departments and see the effective management style left by Mr. Romer. Mayor Pro Tem Weisbroth noted that the Mayor and Council met in Executive Session on January 7, 1995 and made a decision to appoint Assistant City Manager Rick Kuckkahn to serve as the Acting City Manager. Upon motion of Councilmember Dorsey, duly seconded and unanimously passed, Rick Kuckkahn was appointed as Acting City Manager, effective this date.

Mayor Pro Tem Weisbroth noted that the Mayor and Council again met in Executive Session on January 16 to discuss the process for selecting a new city manager, and this evening, the Mayor and Council would be voting on the appointment of six persons who will serve on a committee to assist in the selection process. Councilmember Krasnow mentioned that the process would not be a quick one; it might go beyond July 1st as a full national search would be conducted. Ms. Krasnow said that City had always been able to

attract outstanding leadership and she felt confident that they will select someone as equally qualified for the city manager position.

Re: City Manager's Report

1. Mr. Kuckkahn noted that the six artists who were selected as finalists for the Town Center sculpture were brought in for orientation, tour and a meeting with representatives from citizen groups, the Culture Arts Commission and the design community. A reception was held for the artists and everyone anticipates that an exceptional piece of art will be chosen for Town Center.

2. The Upper Cabin John Creek Watershed Management Study is now ready and a worksession on the study will be held February 6 with the Mayor and Council. The Mayor and Council directed the development of a proactive, holistic approach to approve the City's water resources, and the report includes the enhancement of the City's forests, wetlands, waterways and for controlling sedimentation. Copies of the report are available and ready for distribution.

3. On January 16, the City celebrated Martin Luther King, Jr.'s birthday with a unique blend of entertainment, awards to area businesses, and Dr. Dorothy Height's keynote address. Mr. Kuckkahn noted that over 900 people attended the event and he expressed appreciation to the Chamber of Commerce and business community as well as all the organizers and participants.

4. Mr. Romer's farewell party is scheduled for Sunday, February 12, from 6-9 p.m. at the Glenview Mansion. Mr. Kuckkahn noted that Mr. Romer would be missed at City Hall and he wished him well as Montgomery County's new Chief Administrative Officer.

5. Governor Schaefer visited Rockville on January 13 for a briefing and tour of the Town Center revitalization project. He was impressed with our progress and the level of business involvement, the Chamber's support, and the community's participation. The Governor announced that he would include in his budget, the final \$2 million dollar State contribution towards Town Center. In addition, a grant was awarded in the amount of \$290,000 to accelerate construction of a new promenade connecting the street level with the Rockville Metrorail station overpass. The City's federal, state, and county political leadership assisted the Mayor and Council in guiding the Governor through the day's activities, and the \$2 million dollars is part of Governor Glendening's budget. Plans are also underway for this year's Rockville Day in Annapolis, and a briefing for Governor Glendening is underway for the current legislative session.

6. Every Rockville household has received a "Good As Gold Certificate," good towards \$5 off any Recreation and Parks Department fees-based registration in the Winter Guide.

7. The City has been in contact with the Japanese Embassy to offer assistance to the victims of the Kobe earthquake. Residents can call the Red Cross at 1-800-842-2200 to charge a donation to a credit card; donations can also be sent to the American Red Cross, Montgomery County Chapter, 2020 East West Highway, Silver Spring, MD 20910.

Councilmember Krasnow commented that the Martin Luther King, Jr. ceremony was outstanding, and she was glad that the City decided to reinstate the Rockville-only ceremony in order to enjoy the talents of many of the City's area school children. She noted the Governor's visit was great fun; he was excited about the project and the Mayor and

Council were glad that the funding for Town Center was now in Governor Glendening's budget, although it could still be removed by the Legislature.

Re: Certificate of appreciation to Sean Austin, 809 Bowie Road, in recognition of his "EARTH DAY BIRTHDAY" party.

Councilmember Krasnow read the Certificate expressing appreciation to Sean Austin. Sean celebrated his 10th birthday with his friends by cleaning up the Elwood Smith tributary of Cabin John Creek in Elwood Smith Park. Sean, who was accompanied by his parents and sister, acknowledged some of his other friends who helped him clean up the creek.

Re: Recognition of Rockville Musical Theatre and Rockville Little Theatre for their financial assistance toward the purchase of a portable personnel lift for the F. Scott Fitzgerald Theatre.

John Moser, Chair of the Rockville Music Theatre Consortium, was joined by the President of the RMT Steve Welsh, Immediate Past President Tom Reid, and President-Elect Diane Pick. Rockville Musical Theatre and Rockville Little Theatre together contributed \$2,000 of the \$3,930 cost toward the purchase of a portable personnel lift for the F. Scott Fitzgerald Theatre.

Re: Presentation of Certificates of Appreciation to major contributors to the 1994 Rockville Holiday Drive.

A total of \$17,046 was raised for the 1994 Rockville Holiday Drive.

Certificates were presented to recognize the organizations who were instrumental in the

successful implementation of the drive as well as those donors who contributed \$200 or more to the drive. Certificates recognizing distinguished donors were presented to Computer Data Systems, Inc., Manna Food Center, and Rockville Junior Chamber of Commerce.

Certificates of Appreciation were presented to Early Childhood Center, Aetna Health Plans, American Legion Post 86, Inc., Aspen Publishers, Inc., Aspen Systems Corporation, Christ Episcopal School, Fresh Fields Markets, Inc., IBM Project Thanksgiving, Ladies Auxiliary-Elks Lodge #2296, Inc., Donna R. Maglott-Duffield, Marriott Management Services, Mount Calvary Baptist Church, Nordstroms Giving Tree, Ridgewell Caterers, Rockville Community Nursery School, Rockville Lions Club, Rob Roy and Rebecca Ratliff, Jeffrey Z. Slavin, Principal Broker of C.J. O'Shaughnessy, Inc., Saint Mary's Church, Washington-Rockville Lodge B.P.O.E. No. 15, West\*Group, Inc., and Sonia Zapata of Hispanics United for Rockville.

A special plaque was presented to Computer Data Systems, Inc. (CDSI) for their role in the Drive. This is the second year CDSI has been a major contributor to the Holiday Drive--employees held an auction and sold tee-shirts which raised over \$4,000 and they also solicited a \$2,000 donation from AETNA, one of their vendors.

Re: Presentation by Rockville Seniors,  
Inc. on the Time Capsule

Bob Mentzer, RSI Chairperson, presented RCI's plans for a Time Capsule which will be dedicated and buried on the grounds of the Rockville Senior Center on May 1, 1995, and opened in the year 2020. Citizens, as well as members from Rockville churches, organizations, and City and County government agencies were invited to purchase a \$3 Time Capsule registration card and envelope. The registration card will be mailed to the person so

designated to receive the envelope in the year 2020. The proceeds from sales of the registration card will help offset the purchase of a special plaque that will mark the spot where the Time Capsule is buried. Cards and envelopes can be purchased from the Rockville Senior Center or by calling 309-3025. Mr. Mentzer then presented complimentary registration cards and envelopes to the Mayor and Council.

Mr. Mentzer also noted that RSI was conducting a January membership drive-- two senior memberships would be available for the price of one.

Re: Presentation by Rockville Center Inc. (RCI) on the status of the Town Center Redevelopment Project.

This is the third in a continuing series of quarterly reports.

Mark Troen, Vice President of Development with RCI, presented the third in a series of quarterly reports. Mr. Troen said that January 13 began the start of the next phase of the project to reconstruct Courthouse Square and the rebuilding of Maryland Avenue north to Middle Lane. Mr. Troen displayed artist's renditions depicting the new park. He said construction was ongoing and would continue when all the final permits were in place. The project would take approximately nine months. Mr. Troen said that the work on the fountain and park will begin in the Spring. The second phase of the development involved the reconstruction of the lower part of Maryland Avenue. Construction was being staged to ensure access to the Courthouse and the other businesses located in the Square. The third phase will be the reconstruction of the streets. The reconstruction of Courthouse Square provides a new Courthouse Square street from the intersection of Maryland Avenue west to North Washington. Construction will continue through September. Towards the end of the

year, demobilization will take place and RCI will move on towards the next scheduled project.

Mr. Troen said the Courthouse Square project totaled approximately \$4 million dollars. The demolition of the large block where the garage is located is planned for sometime this Spring and there would be a lot of activity on the site. RCI is proud of the new promenade and the Governor's award of \$288,000 for the reconstruction of the promenade, which will be a terrace between 250 Hungerford Drive and 51 Monroe Street. In addition to the use of public funds, RCI is contributing \$420,000 for the construction of a grand new stairway and elevator; construction will begin sometime in June. Mr. Troen mentioned that the Washington Real Estate Investment Trust is contributing \$40,000 to the project. Overall, the construction projects will alone total over \$6 million in 1995.

Mr. Troen said that RCI was continuing to meet with citizens in the community, and they will be distributing newsletters and citizen bulletin alerts as to when the construction takes place so people are made aware of new traffic patterns. RCI is also putting up signs to help citizens negotiate their way through Courthouse Square with a minimum of disruption.

Mr. Troen emphasized the level of cooperation and participation by the Mayor and Council, City staff, citizens and the County and State. He said that RCI continued to meet on a bi-weekly basis with the City and hold regular meetings with the County and State.

Re: Citizens Forum - This time is set aside to hear from any citizen who wishes to address the Mayor and Council.



1. Ralph Decklebaum, President of Mardeck, Limited a hotel management company in Rockville. Mr Decklebaum is immediate Past President of the Conference and Visitors Bureau (CVB) and the present Chairman of the Legislative and Liaison Committee for CVB. Mr. Decklebaum said he hoped to have news about the conference center; unfortunately the initial report was incomplete in some major aspects and had been referred back for study. He expects two reports within the next couple of weeks--one on the conference center in Montgomery County and the other report on an evaluation of all conference centers in the State. Mr. Decklebaum then introduced Kelly Groff, the new Executive Director of the Conference and Visitors Bureau.

2. James Moone, President of the Montgomery County Chapter of the Southern Christian Leadership Conference (SCLC), thanked the Mayor and Council for reappointing him to the Board of Appeals. Dr. Moone noted that SCLC along with Attorney Shulman and Mark Troen have been meeting to ensure equal opportunities for Afro-Americans, other minorities, women, and the disabled as the redevelopment of downtown takes place, and he encouraged the Mayor and Council to be vigilant towards these efforts. He expressed appreciation for Mr. Romer's work with SCLC over the years and he said the Board looked forward to working with Mr. Kuckkahn.

3. William Meyer, 804 Leverton Road questioned whether the project in Consent Agenda #12 was the same project described last year for making the Lincoln Park bridge more pedestrian friendly. He asked if the City had succeeded in getting necessary Metro approvals to remove the barrier cage and install improved lighting. Mr. Kuckkahn responded that the bid would allow the City to have a design study conducted to look at

the improvements discussed last year. He noted that the architect would work with Metro and the neighborhood on the project.

Regarding Agenda Items 16 and 17, Mr. Meyer asked why the category equivalents were left out for recent approvals for off-site storm water management. He said he hoped that the COG study will address the concept of compensating storage for proposed stormwater management facilities because as proposed facilities became more active, they often generated a vast amount of neighborhood opposition and tended not to get built. (Mayor Pro Tem Weisbroth responded that staff would address this during discussion of the agenda item.)

4. Ray Norris, Engineer with Maddox Incorporated, said that he was present for Item 17, a stormwater management waiver resulting from the development of the Putt-Putt Golf Course. Councilmember Krasnow asked how much of the existing building would be enlarged. Mr. Norris said that the plans show additions with approximately 20% enlargement of the existing buildings, with internal renovations to make room for the rental skates for the new ice rink, and make rest rooms accessible from the outside of the building. Bill Loder, Parkwood Corporation, the owners of the Putt-Putt Golf Course, added that the addition being proposed for the building was 1,000 sq. ft. of permanent space, and in the wintertime they will enclose the porch area adding another 1,000 sq. ft.

Re: Appointments

Upon motion of Councilmember Dorsey, duly seconded and unanimously passed, Dennis Kelly and David Melnick were appointed to the Board of Appeals to serve as temporary members to hear Appeals Application #APP94-0575, at the Board's hearing on February 9, 1995.

Meeting No. 03-95

11

January 23, 1995

Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, Robert Primosch was appointed to the Cable Communications Advisory Committee.

Upon motion of Councilmember Dorsey, duly seconded and unanimously passed, Charles Haughey, Ardell Hilliard, Dickran Hovsepian, Mansfield Kaseman, Cynthia Malament, and Albert Starr were appointed to serve on the City Manager Selection Committee.

Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, Stephen Edwards was appointed to serve as Chairperson Compensation Commission.

Upon motion of Councilmember Dorsey, duly seconded and unanimously passed, B. Mayo Robertson was reappointed to serve as Chairperson and a member of the Human Rights Commission.

Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, F. Terry Baker, Paul Shields, and Paula Strain were reappointed to the Recreation and Park Advisory Board.

Upon motion of Councilmember Dorsey, duly seconded and unanimously passed, Bernie Fitzgerald was confirmed as the AAME Representative on the City's Retirement Board.

Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, Robert Hogg, Geoffrey Kidd, Kathryn Makeig, Eugene Russin, and Satish Tripathi were appointed to the Science, Technology and Environment Commission.

Re: Approval of Minutes

Upon motion of Councilmember Dorsey, duly seconded and unanimously passed, the Minutes of Meeting No. 33-94 (11/14/94) were approved as written.

Re: Consent Agenda

Award of Bid #54-95

To: Schick Goldstein Architects

Of: Washington, D.C.

In the amount of \$33,000

For: Design of improvements to the pedestrian bridge over Metrorail at Frederick Avenue and Rt. 355.

Councilmember Dorsey requested removal of the Consent Agenda Item and asked for an overview of the project. Mr. Kuckkahn said 25 bids were distributed for the project and six were from Rockville firms. Schick Goldstein was the same architectural firm that performed the work at the F. Scott Fitzgerald Theatre and was found to be easy to work with and very professional. Mr. Kuckkahn said the contract covered the stair towers, safety and lighting improvements, and aesthetic improvements. The architect had been instructed to meet with and involve the neighborhood and Metrorail representatives in the process.

Councilmember Krasnow asked how the Americans with Disabilities Act (ADA) impacted the project and she asked what new lighting system was proposed. Director of Recreation and Parks Burt Hall said the bridge would not be ADA accessible and he said that lighting would be a concern in designing for people with disabilities. Mr. Hall said the ADA would require that the bridge be accessible and that all slope requirements be met. However, he said the law asks that organizations do what is reasonable and it would be very expensive to add the stair towers. Mr. Hall said that to try and create ramps which strictly met the slope requirements would be extremely expensive and perhaps not even possible given the space limitations. Upon motion of Councilmember Dorsey, duly seconded and

unanimously passed, Bid #54-95 was awarded to Schick Goldstein Architects in the amount of \$33,000.

Re: Adoption of Ordinance to Grant Application to Close and Abandon Public Way SCA 94-0069, Mayor and Council of Rockville, Applicant.

To close and abandon a portion of E. Jefferson Street between Richard Montgomery Drive and Mount Vernon Place.

Ordinance No. 1-95

Councilmember Krasnow expressed concern about the roadway where Fleet Street terminated at Mount Vernon. She said that the roadway construction had created a large section of rough pavement on Mt. Vernon, and the hazard was not properly marked. Staff was asked to follow up on the problem. Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, Ordinance No. 1-95 was adopted; a copy of which can be found in Ordinance Book 18 of the Mayor and Council.

Re: Approval of transfer of land to the Montgomery County Board of Education.

The office of the City Attorney has prepared a deed to transfer title to a deed to transfer title to a tract of land known as Parcel B, Block 9, "Hungerford" located in the vicinity of Richard Montgomery High School.

Upon motion of Councilmember Dorsey, duly seconded and unanimously passed, the transfer of land to the Montgomery County Board of Education was approved.

Re: Adoption of Resolution to authorize signatures for City bank accounts.

Resolution No. 1-95

Upon motion of Councilmember Dorsey, duly seconded and unanimously passed, the Resolution was passed, granting signature authority to Acting City Manager Kuckkahn, City Clerk Jewell, and Finance Director Deckard, and removing Bruce Romer as a signatory. A copy of Resolution No. 1-95 can be found in Resolution Book 11 of the Mayor and Council.

Re: Approval for participation in the off-site SWM program for quantity control resulting from the construction of a Rectory and addition to St. Elizabeth's Church at 917 Montrose Road in the Cabin John drainage area and the acceptance of a \$17,600 contribution for the off-site SWM fund.

Compensating storage will be accounted for at the proposed Montrose Park SWM facility.

Civil Engineer Susan Straus explained that the requests for St. Elizabeth's Church and the Putt-Putt Golf Course were both already developed although the Church property was primarily open and wooded. Neither project created a significant amount of runoff. The new Church development was scattered throughout their property of about 17 acres. Ms. Straus said that in order to manage the quantity of stormwater runoff, the outlook control for any proposed facility to manage approximately half an acre of impervious area proposed would have to be very small, and because the site is primarily wooded, it would tend to clog very easily. The wooded nature of the site would be more impacted with the

development of on-site stormwater management. This would necessitate taking out more trees with the on-site facility and provide little or no benefit to the stream because the amount of water going to the stream at that point was fairly significant and the drainage area was fairly large. From this site, only a small amount of impervious area is going into the stream. By the time the runoff from the Church property got to the stream, whether it was controlled on-site or not, there would be no difference in the water flowing in the stream itself. There would be no measurable difference in the flow of water into that stream. Water quality will be provided on-site for the Church site by means of vegetative filters. The water will run across the land and will trap the pollutants within the grass, leaves and other tree debris within.

Ms. Straus said that the Putt-Putt Golf Course impervious area that was affected by development was less than 1,000 sq. ft. of new impervious area and would require a small control structure. She said it would also easily clog and be difficult to maintain. In addition, the developers were proposing a new sidewalk along the frontage in which they will be making some improvements to the conveyance of the stormwater as it leaves the site.

Both projects are on the Old Farm Tributary of Cabin John Creek and the best watershed improvement for the small projects was to combine them into larger projects, vis-a-vis, a regional program and in that way, tangible benefits were provided to the City's streams. The B'nai Israel facility (the receiving facility for the Putt-Putt Course) is existing and is a County-owned facility, and the County had given its approval to allow the participation in that project. Although it was a County facility, the majority of the runoff actually came from the City of Rockville.

The Church property will be controlled by the Montrose Park Facility, and although it is compensating storage, approximately 400 acres drain down to the Montrose Park proposed stormwater management facility. Although St. Elizabeth's Church is slightly below and downstream of the Montrose Park Facility, the amount of runoff going into the stream from the new development would be very small and when it was controlled by the Montrose Park Facility, it would control alternative developed property located in the 400 acre drainage shed that drained down to Montrose Park.

The Montrose Facility is proposed for design in FY97 with construction following immediately after permits are received.

Regarding the category changes, Ms. Straus said that the City used to list categories that referred to the state of the receiving facility and the size of the property development. She said it was staff's understanding that the categories were not providing much explanation to the Mayor and Council; however, staff would list the category changes if the Mayor and Council so requested.

Councilmember Dorsey suggested that it would be useful for staff to develop a mechanism (graphics, etc.) to clarify discussions for the general public. Mr. Dorsey said he appreciated the citizens' interest and emphasis on runoff control.

Councilmember Krasnow added that she found it very helpful to have the categories noted. Ms. Krasnow said the City had operated on the theory of combining smaller sites into a regional solution; however, the removal of the Cabin John Lake site took away one of the City's regional solutions. She said that while she did not advocate individual stormwater facilities, she expressed concern about what would happen if the City did not get to build some of the larger sites. Ms. Straus said the concern was shared by staff--when



COG undertook the watershed study process, they recognized the Montrose Park Facility as high priority and it was included in the FY97 budget with consideration to all the constraints, particularly the wetland and wooded constraints of the permit issues. There were a number of reasons that conclusion was drawn--the amount of open channel and the potential value that the stream could be converted back to its more natural state so that there were some opportunities for improvement with fairly minimal impact to the wooded area.

Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, the participation in the off-site SWM program for St. Elizabeth's Church was approved, and the \$17,600 contribution for the off-site SWM fund was accepted.

Re: Approval for participation in the off-site SWM program for quantity and quality control resulting from the development of Putt Putt Miniature Golf Course (skating rink addition) at 130 Rollins Avenue in the Cabin John drainage area and the acceptance of a \$23,000 contribution for the off site SWM fund.

The runoff is conveyed to the existing B'nai Israel SWM facility.

Upon motion of Councilmember Dorsey, duly seconded and unanimously passed, the participation in the off-site SWM program for quantity and quality control resulting from the development of Putt Putt Miniature Golf Course was approved and the \$23,000 contribution for the off-site SWM fund was accepted.

Re: New Business

1. Mayor Pro Tem Weisbroth noted that on January 29, the Mayor and Council will meet in Executive Session to discuss a personnel matter.

Re: Adjournment

There being no further business to come before the Mayor and Council, the meeting was adjourned at 9:05 p.m., to convene again in Executive Session at 11:00 a.m. on Sunday, January 29, 1995 or at the call of the Mayor.